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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,900	07/25/2001	J. David Derosier	YYDD-1J	6589

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Iandiorio & Teska
260 Bear Hill Road
Waltham, MA 02451-1018

EXAMINER	
SHARMA, SUJATHA R	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,900	DEROSIER ET AL.	
	Examiner	Art Unit	
	Sujatha Sharma	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In response to applicant's argument, the examiner notes the amended independent claims 1,8,11,18,23 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention as discussed in the 112 rejection below. Further should the new matter be deleted, the previous rejection of claims 1-25 still applies (See office action mailed 9/9/05).

2. Further the applicant's arguments filed 1/20/06 have been fully considered but they are not persuasive.

The applicant argues that the combination of the primary reference Park and the secondary reference Ranta fail to teach or disclose the limitations of the amended independent claim 1. In particular, the applicant argues that Ranta fails to teach or disclose transmitting information to a mobile phone to control the mobile phone to prevent the use of the mobile phone with its carrier network in a predefined area.

The examiner respectfully disagrees. The primary reference Park discloses a method of generating a pseudo random base station signal for transmission to the mobile station when in a detection area and generates an alarm to indicate to the person carrying the mobile phone to turn the device off.

Ranta, teaches a method where in the restricted area the mobile device receives a signal from a beacon base station at a considerably higher power level than a regular base station. In

this way, the mobile is tricked into registering with the beacon base station and therefore does not allow the mobile station to communicate with the regular base station or the carrier station thus restricting or preventing the use of the mobile device in the restricted area. See col. 2, lines 5-65, col. 4, line 38 – col. 5, line 3 and col. 5, line 40 – col. 6, line 45. Also Ranta discloses that the beacon base station signal is different from the signal of known frequency transmitted by the normal base stations or carrier stations.

Therefore the combination of Park and Ranta reads on all the limitations of the claims and in particular a method of transmitting information to a mobile phone to control the mobile phone to prevent the use of the mobile phone with its carrier network in a predefined area.

The applicant (on page 14) further argues that there is lack of motivation to combine the two references.

The examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Park is modified to provide an economically attractive and functionally reliable solution of operating mobile devices in restricted areas as taught by Ranta (see col. 2, lines 5-8).

Therefore the rejection of the claims as submitted in the previous office action mailed 9/9/05 and as discussed below is considered proper.

Claim Rejections - 35 USC § 112

3. Claims 1,8,11,18,23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claim recites the limitation " the wireless communication device engaging in a communication protocol with the receiver and transmitter as if they were a base station connected to the carrier network".

4. The limitation underlined above is not disclosed in the specification and hence considered to be new matter.

5. Claims 2-7,9,12-17,19-22, 24 and 25 are also rejected under 112, first paragraph since they are dependent claims on the rejected base claims 1,8,11,18,23.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,4,6-11,14,15,17,18,20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] in view of Ranta [US 6,832,093].

Regarding claims 1,8-11,18,20-22 Park discloses a method of generating a pseudo base station signal for transmission to a mobile phone in a detection area (thus intervening between a wireless communication device and a base station) comprising:

- employing a receiver to scan for transmissions from multiple surrounding base stations; see fig. 3, col. 5, lines 37-41
- measuring the absolute field strength of all received transmission and recording the information transmitted by the base stations; see fig. 3, col. 7, lines 27-29
- setting the transmission power level of a transmitter to have an absolute field strength greater than the highest measured absolute field strength detected from a corresponding base station; see summary of invention, col. 7, lines 27-33

However Park does not disclose a method of receiving an interface signal from a wireless communication device; and

- transmitting to the wireless communication device the corresponding information to thereafter control the wireless communication device by establishing a communication channel between the wireless communication device and the receiver and transmitter instead of between the wireless communication device and a surrounding base station to prevent use of the wireless communication device proximate the receiver and transmitter.

Ranta, in the same field of endeavor, teaches a method wherein a mobile device in a restricted area will receive a signal transmitted from a beacon base station at a considerably higher level than the signal transmitted from a regular base station and further restricting or preventing the

use of the wireless communication device in the restricted area. See col. 2, lines 5-65, col. 4, line 38 – col. 5, line 3 and col. 5, line 40 – col. 6, line 45.

Therefore it would have been to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Ranta to Park in order to provide an economically attractive and functionally reliable solution of operating mobile devices in restricted areas.

Regarding claims 4,15 Park discloses a method further including the step of keeping a record of all interface signals and requests for service transmissions received from a wireless communication device (here the MSC keeps records of all mobile registrations to facilitate call delivery and other related information to the particular mobile stations). See col. 4, lines 25-33 and lines 56-61.

Regarding claims 6,17 Park further discloses a method including the step of providing an alarm when a wireless communication device transmits a request for service transmission (here location registration implies request for service transmission). See summary of invention and col. 9, lines 33-45.

Regarding claims 7,14 Park further discloses a method in which the step of transmitting includes instructing the wireless communication device to undertake processes to remove itself from normal communication with a cellular telephone service provider. See summary of invention and col. 9, lines 33-45.

3. Claims 2,12,19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] and Ranta [US 6,832,093] in view of Heinonen [US 6,438,385].

Regarding claims 2,12,19, Park as treated in claims 1,11,18 discloses all the limitations as claimed. However hoe does not disclose a method in which the step of transmitting includes instructing the wireless communication device to lower its transmission power so that transmissions from the wireless communication device do not reach any corresponding surrounding base.

Heinonen, in the same field of endeavor, teaches a method for eliminating disturbance caused by a mobile station within a certain area. Heinonen further teaches a method in which the step of transmitting includes instructing the wireless communication device to lower its transmission power so that transmissions from the wireless communication device do not reach any corresponding surrounding base. See summary of invention, col. 4, lines 31-41.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Heinonen to modified Park in order to eliminate disturbance caused by a mobile station within a certain area.

4. Claims 3,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] and Ranta [US 6,832,093] in view of Takai [US 6,128,507].

Regarding claims 3,13, Park as treated in claims 1,11 discloses all the limitations as claimed. However, he does not disclose a method where the base station sends a command changing the control channel frequency from an original radio frequency to a new radio frequency.

Takai, in the same field of endeavor, teaches a method where a misbehaving mobile phone is disabled by a method where the base station sends a command changing the control channel frequency from an original radio frequency to a new radio frequency. See col. 4, lines 24-47.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the teachings of Takai to modified Park in order to disable a mobile unit that is misbehaving or operating in a restricted zone.

5. Claims 5,16,23,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] and Ranta [US 6,832,093].

Regarding claims 5,16, Park as treated in claims 1,11 specifically does not disclose a method including the step of polling the record to track movement of a wireless communication device.

However it is well known in the art that MSC polls all mobile registrations in order that it can locate a mobile and route the call appropriately.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made for the MSC to poll and keep track of the mobiles in order to locate a mobile in an restricted or unwanted area and eliminate disturbance caused by said mobile station within the said certain area

Regarding claims 23,25 Park discloses a method of generating a pseudo base station signal for transmission to a mobile phone in a detection area (thus intervening between a wireless communication device and a base station) comprising:

- control unit (detecting unit); see summary of invention and Fig. 3
- an antenna, and a receiver responsive to transmissions received by the antenna; see fig. 3, col. 5, lines 37-41
- a transmitter having an adjustable power level; see summary of invention, col. 7, lines 27-33

a control module responsive to the receiver and connected to the transmitter, the control module configured to:

- measure the absolute field strength of a received transmission detected by the receiver from surrounding base stations and record the information transmitted by the surrounding base stations,; see fig. 3, col. 7, lines 27-29
- set the transmission power level of the transmitter to have an absolute field strength greater than the highest measured absolute field strength detected from a corresponding base station; see summary of invention, col. 7, lines 27-33
- detect and record an interface signal received by the receiver from a wireless communication device in a predefined area proximate the receiver;(here the MSC keeps records of all mobile registrations to facilitate call delivery and other related information to the particular mobile stations). See col. 4, lines 25-33 and lines 56-61.

- a system computer responsive to the remote management unit for providing an alarm when the wireless communication device transmits a request for service transmission. See fig. 3, summary of invention, col. 9, lines 33-45.

However Park does not disclose a method of receiving an interface signal from a wireless communication device; and

- transmitting to the wireless communication device the corresponding information to thereafter control the wireless communication device by establishing a communication channel between the wireless communication device and the receiver and transmitter instead of between the wireless communication device and a surrounding base station to prevent use of the wireless communication device proximate the receiver and transmitter.

Ranta, in the same field of endeavor, teaches a method wherein a mobile device in a restricted area will receive a signal transmitted from a beacon base station at a considerably higher level than the signal transmitted from a regular base station and further restricting or preventing the use of the wireless communication device in the restricted area. See col. 2, lines 5-65, col. 4, line 38 – col. 5, line 3 and col. 5, line 40 – col. 6, line 45.

Therefore it would have been to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Ranta to Park in order to provide an economically attractive and functionally reliable solution of operating mobile devices in restricted areas.

Park and Ranta specifically do not disclose a method including the step of polling the record to track movement of a wireless communication device.

However it is well known in the art that MSC polls all mobile registrations in order that it can locate a mobile and route the call appropriately.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made for the MSC to poll and keep track of the mobiles in order to locate a mobile in an restricted or unwanted area and eliminate disturbance caused by said mobile station within the said certain area

4. Claims 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] and Ranta [US 6,832,093] in view of Kline [US 6,496,104].

Regarding claim 24, Park as treated in claim 23 discloses all the limitations as claimed. However he does not disclose a method in which the remote management unit is linked to the plurality of control units via AC power lines.

Salazar, in the same field of endeavor, teaches a method where data signals are transmitted using power lines to reduce the amount of radiated emissions, enhance data security and mitigate interference from other sources. See summary of invention. Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Kline to modified Park in order to reduce the amount of radiated emissions, enhance data security and mitigate interference from other sources.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sujatha Sharma
March 16, 2006

Matthew Anderson
SPE 2614